IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6445 OF 2005

Rakesh P. Singh and another Applicants

versus

State of Maharashtra Respondent

Mr.A.P.Mundargi with Mohan P. Tekale & Swati M. Tekale for Mr.Mukesh Subramaniam, for applicants.

Mrs.S.D.Shinde, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th November 2005

PC :

1. The application is for an anticipatory bail. It appears that prior to filing of present application, the applicants had approached the Sessions Court, at Ratnagiri for identical reliefs by filing Criminal Miscellaneous Application No.76 of 2005 which was ultimately allowed. Some of the persons who were apprehending arrest on account of the offences committed and registered vide Crime No.106/2005, were enlarged on bail in the event of their arrest. Those applicants were ladies. The order to this effect is passed on 29th July 2005.

2. This application was filed in this Court on 27th September 2005. There has been no interim protection. Ms.Shinde, learned APP for the State states that till date the applicants have not been arrested. It is in these circumstances, I have gone into the merits of this application.

3. The case of the applicants is that a crime has been registered for the offences punishable under sections 420, 467, 471 R/W 34 of IPC and further u/s 63 of the Bombay Sales Tax Act with Khed Police Station, District Ratnagiri. It appears that the applicants were Directors in a company which was known as Amit Petroleum Private Limited. It is their case that at the relevant time they were not in-charge of day today affairs and same were looked after by their father. It is contended that some of them had resigned from the company as well.

4. The default in complying with the provisions of Sales Tax Act is the basis of the entire allegation. The Department alleges evasion of Sales Tax Duty to the extent of Rs.3.9 crores by the company. The company as well as the applicants are charged with preparing false and

forged documents in order to get benefit under the Sales Tax Act. The transactions are allegedly shown as Inter-State Sale and therefore, exempted from payment of Sales Tax Duty. It is alleged that all such documents which were part and parcel of the so called inter-state transactions are false and bogus and these transactions are shown on paper with a view to evade payment of Sales Tax Duty.

5. It is pointed out by Shri Mundargi that a notice was issued on 17th February 2005 and proceedings under the Sales Tax Act are pending. The contention is that the entire case is based on documents and records pertaining to transaction, which have already been handed over or would be handed over if not so. The applicants are also agreeable to extend all co-operation and attend Police Station as well as abide by all such conditions as may be imposed by this Court.

6. In my view, considering the fact that the the applicants have not been still arrested despite no interim protection, and their application for anticipatory bail is rejected by the Sessions Court on 29th July 2005, they deserve one chance.

Moreso, when both have shown their readiness and willingness to co-operate in the investigation. There are no other antecedents. The applicants are residing at Mumbai and they are agreeable to attend Khed Police Station where the unit is situate and co-operate with the local Police Station by handing over all the documents pertaining to the transactions as well as answer all the questions pertaining thereto.

7. In the circumstances, the applicants deserve to be enlarged on bail in the event of their arrest in connection with C.R.No.106 of 2005. Hence following order.

8. (i) In the event of the arrest of the applicant in connection with C.R.No.106/2005 registered at Khed Police Station, the applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.50,000/- each with two solvent sureties in the like sum;

(ii) The bail is granted subject to condition that the applicants will attend the Khed Police Station, District Ratnagiri on every Monday and Thursday between 11.00 a.m. to 5.00 p.m. till charge sheet is filed.

(iii) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicants shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)